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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/533,960	05/04/2005	Wen Zhao	PAT 799W-2	8081
89110 7590 12/08/2009 Borden Ladner Gervais LLP 1100-100 Queen Street Ottawa, ON K1P 1J9 CANADA				
EXAMINER				
L.Y. NGHI H				
ART UNIT		PAPER NUMBER		
2617				
NOTIFICATION DATE		DELIVERY MODE		
12/08/2009		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ipinfo@blgcanada.com
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Office Action Summary

Application No.

10/533,960

Applicant(s)

ZHAO ET AL.

Examiner

NGHI H. LY

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09/03/09.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-10 and 12-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-10 and 12-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/GS/US)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

2. Claims 12 and 21 are rejected under 35 U.S.C. 102(a) as being anticipated by Hellander (US 6,445,918).

Regarding claims 12 and 21, Hellander teaches a method of automatically re-establishing a data connection on a wireless data network (see Abstract), comprising: determining, at minimum fixed time intervals determined by a service check timer (see column 1, lines 11-27, column 4, lines 48-63, see "short period of time"), the status of a previously established data connection (see Abstract, column 2, lines 23-35),

automatically transmitting a connection request if the previously established data connection is determined to be lost (see Abstract, column 2, lines 23-35, see "request"),

and re-establishing the previously established data connection if the transmitted connection request is accepted by the wireless data network (see Abstract, column 2, lines 23-35, see "reconnects").

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2617

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 2-6, 9, 10, 13-16, 18 and 22-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hellander (US 6,445,918) in view of Tiedemann et al (US 6,625,198).

Regarding claims 2 and 22, Hellander teaches claims 12 and 21. Hellander does not specifically disclose the wireless data network is a CDMA2000 network.

Tiedemann teaches the wireless data network is a CDMA2000 network (see column 1, lines 42-54 and see column 7, lines 19-24).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Tiedemann into the system of Hellander in order to enable the processing of multiple calls in a spread spectrum communication system (see Tiedemann, Abstract).

Regarding claims 3, 5, 6 and 15, the combination of Hellander and Tiedemann teaches determining that no data connection is previously established includes receiving a refusal of service message from the wireless data network (see Tiedemann, column 2, lines 5-9).

Regarding claims 4, 9, 23 and 26, the combination of Hellander and Tiedemann further teaches the refusal of service message is one of Retry Order, Reorder Order and a Release Order (see Tiedemann, column 15, lines 26-30).

Regarding claims 10, 14 and 24, the combination of Hellander and Tiedemann further teaches the back off timer is initialized to a time greater than or equal to the retry delay (see Tiedemann, column 15, lines 26-30).

Regarding claim 13, the combination of Hellander and Tiedemann further teaches determining the status of the previously established data connection is preceded by initializing the service check timer (see Tiedemann, column 12, lines 3-6).

Regarding claim 16, the combination of Hellander and Tiedemann further teaches determining the status of the previously established data connection includes comparing assigned network resources to default values (see Tiedemann, column 12, lines 29-37).

Regarding claim 18 and 25, the combination of Hellander and Tiedemann further teaches a step of forcing premature expiry of the service check timer upon receipt of a Release Order (see Tiedemann, column 15, lines 26-30 and column 15, lines 26-30).

Regarding claim 27, Hellander further teaches the connection request is automatically transmitted upon detection of a new wireless data network (see column 2, lines 23-53).

6. Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hellander (US 6,445,918) in view of Tiedemann et al (US 6,625,198) and further in view of Mary et al (US 4,827,507).

Regarding claim 7, the combination of Hellander and Tiedemann teaches claim 5. The combination of Hellander and Tiedemann does not specifically disclose initializing the back off timer is based on a random seed.

Mary teaches initializing the back off timer is based on a random seed (see column 12, lines 1-21).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Mary into the system of Hellander and Tiedemann in order to protect the exchange of keys and synchronization from interruptions in the communication channel (see Mary, column 2, lines 24-26).

Regarding claim 8, the combination of Hellander, Tiedemann and Mary further teaches the back off timer is initialized to a time greater than or equal to any back off timer time calculated after a last previously established data connection (see Tiedemann, column 15, lines 26-30 and column 15, lines 26-30).

7. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hellander (US 6,445,918) in view of Tiedemann et al (US 6,625,198).

Regarding claim 17, the combination of Hellander and Tiedemann teaches claim 16 except that the step of comparing includes determining that no data connection is established when an assigned Internet Protocol address is set to 0.0.0.0.0. However, such Internet Protocol address is set to 0.0.0.0.0. would have been obvious since the particular Internet Protocol address could have been determined by the inventor's choice e.g., use an Internet Protocol address which can improve reconnection attempts in the communication network.

8. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hellander (US 6,445,918) in view of Tiedemann et al (US 6,625,198) and further in view of Official notice.

Regarding claim 19, the combination of Hellander and Tiedemann teaches claim 18 except that the Release Order is a Point-to-point-protocol termination request. However, the Examiner takes Office notice that such feature as recited in the claim is very well known in the art.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teaching of Hellander and Tiedemann for providing a method as claimed, for obtaining reconnection in communication network.

9. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hellander (US 6,445,918) in view of Tiedemann et al (US 6,625,198) and further in view of Hunzinger (US 2002/0082032A1).

Regarding claim 20, the combination of Hellander and Tiedemann teaches claim 9. The combination of Hellander and Tiedemann does not specifically disclose the connection request is an Origination Message.

Hunzinger (US 2002/0082032A1) teaches the connection request is an Origination Message (see [0007]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Hunzinger into the system of Hellander and Tiedemann in order to allow the infrastructure to adapt access parameter to increase or decrease the likelihood of successful access (see Hunzinger, Abstract).

Response to Arguments

10. Applicant's arguments with respect to claims 2-10 and 12-27 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nghi H. Ly whose telephone number is (571)272-7911. The examiner can normally be reached on 9:30am-8:00pm Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dwayne Bost can be reached on (571) 272-7023. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Nghi H. Ly

/Nghi H. Ly/
Primary Examiner, Art Unit 2617